

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 KENNETH GORDON WESCOTT,

8 Defendant.

Case No. 2:14-cr-00085-APG-CWH

**ORDER**

**(ECF Nos. 374, 377, 380, 381)**

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10 This order addresses the several motions defendant Kenneth Gordon Wescott recently filed.

11 **Motion for Clarification of Terminology (ECF No. 374)**

12 This motion is reminiscent of a college political science exam. I decline Mr. Wescott's  
13 request to answer his questions. Mr. Wescott has chosen to represent himself for sentencing. As  
14 he has been told many times, one of the burdens of self-representation is doing one's own legal  
15 research. The court cannot provide advice or respond to legal questions like those posed in the  
16 motion. The motion is denied.

17 **Motion for Post-Trial Discovery (ECF No. 381)**

18 Mr. Wescott seeks to compel the Government to produce a vast amount of documents and  
19 information. Preliminarily, he does not explain how any of the items he requests are related to his  
20 sentencing. Moreover, he has requested many of these items before, and the court has denied  
21 those requests. Mr. Wescott is engaging in an improper fishing expedition.

22 Mr. Wescott requests a variety of documents regarding training, techniques, and  
23 procedures for law enforcement investigations, including those related to "child  
24 solicitation/abuse/exploitation." ECF No. 381 at 5-6 (Request No. 1) and 7 (Request Nos. 6 and  
25 7). The court has previously denied his similar requests, and he offers no reason why the  
26 situation is different now. Mr. Wescott also has not demonstrated that the United States Attorney  
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1 for this district has possession, custody, or control over these items. Nor has he explained how  
2 these items are relevant to his upcoming sentencing. The request is denied.

3 Mr. Wescott seeks communications between the investigating agents and prosecutors. *Id.*  
4 at 6 (Request No. 2). The Government insists that all non-privileged, non-protected material has  
5 been produced (ECF No. 382 at 6) and Mr. Wescott has offered nothing to contradict that. The  
6 request is denied.

7 Mr. Wescott next seeks grand jury transcripts. ECF No. 381 at 6-7 (Request No. 3). He  
8 admits the transcripts were previously provided to him. *Id.* at 7. This request is denied as moot.

9 Mr. Wescott requests documents regarding “Operation Protect the Powerless in  
10 unredacted form.” *Id.* (Request No. 4). He previously requested these materials in a FOIA  
11 request, and he does not state whether he has already received them. Regardless, Mr. Wescott  
12 fails to explain how the information he seeks is relevant to his case or sentencing. The request is  
13 denied.

14 Mr. Wescott requests materials required to be produced under Rule 16 of the Federal  
15 Rules of Criminal Procedure. *Id.* (Request No. 5). The Government has previously produced that  
16 material. The request is denied as moot.

17 Mr. Wescott requests “all documentation including all phone calls and documentation”  
18 from while he was in pretrial detention. *Id.* at 8 (Request No. 8). None of this material is in the  
19 Government’s possession, custody, or control. Moreover, Mr. Wescott has not explained how  
20 these items are relevant to his case or sentencing. The request is denied.

21 Finally, Mr. Wescott requests “financial information that would show a nexus between a  
22 monetary value and the number of arrests/convictions as a TFO member.” *Id.* (Request No. 9).  
23 Not only is this request unintelligible and overly broad, Mr. Wescott has failed to demonstrate  
24 how the information is relevant to his sentencing. The request is denied.

25 **Motions to Continue Sentencing (ECF Nos. 377, 380)**

26 Mr. Wescott also filed two motions to continue his sentencing hearing for at least 70 days  
27 so he has more time to prepare. Magistrate Judge Hoffman has denied Mr. Wescott’s requests for  
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1 transcripts of all hearings and of trial (*See* ECF No. 383), and I have denied his motion for post-  
2 trial discovery. Thus, Mr. Wescott should not need 70 additional days to prepare for sentencing.  
3 Nevertheless, a short continuance will not prejudice the Government and will allow Mr. Wescott  
4 additional time to prepare for sentencing. I will reschedule the sentencing hearing.

5 IT IS HEREBY ORDERED that Mr. Wescott's motion for clarification of terminology  
6 **(ECF No. 374) is denied.**

7 IT IS FURTHER ORDERED that Mr. Wescott's motion for post-trial discovery **(ECF**  
8 **No. 381) is denied.**

9 IT IS FURTHER ORDERED that Mr. Wescott's motions to continue his sentencing  
10 **(ECF Nos. 377, 380) are granted.** The February 16, 2017 sentencing hearing is vacated, and  
11 sentencing hearing is rescheduled for **March 23, 2017 at 1:30 p.m.**

12 Dated: February 10, 2017.

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16 ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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